

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

TOMMY TERRELL HOLLIS,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	Civil File Case No.
	:	7 : 07-CV-97 (HL)
ASHLEY PAULK, et al.,	:	
	:	
Defendants.	:	

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**RECOMMENDATION**

Presently pending in this *pro se* prisoner 42 U.S.C. §1983 action is a motion to dismiss this action under Rule 41(b) of the Federal Rules of Civil Procedure filed by all remaining defendants: Paulk, Swain, Peete, Daniels, and Mahoney. (Doc. 86). Plaintiff was advised of the filing of the motion to dismiss and the importance of filing a response thereto in an order dated April 5, 2010 (Doc. 87). However, plaintiff has failed to file any response to the motion, and his mail has been returned as undeliverable. (Docs. 82, 84, 88 and 89). Plaintiff has not notified the court of his new address.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a defendant may move for involuntary dismissal of the action if the plaintiff fails to prosecute or to comply with a court order. The Court's July 31, 2007 Order (Doc. 4) contains the following directive to the parties in this action:

**DUTY TO ADVISE OF ADDRESS CHANGE**

During the pendency of this action, each party shall at all times keep the clerk of this court and all opposing attorneys and/or parties advised of his current address. Failure to promptly advise the Clerk of any change of address may result in the dismissal of a party's pleadings filed herein.

As it is clear that the Plaintiff has failed to comply with the court order to notify the court and opposing counsel of his current address, as is evidenced by the fact that his mail has been returned as

undeliverable on four separate occasions, as specified above, the undersigned finds a clear failure on the part of the Plaintiff to comply with the order of the court. Therefore, it is the RECOMMENDATION of the undersigned that the motion to dismiss (Doc. 86) filed on behalf of the remaining defendants be **GRANTED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable Hugh Lawson, United States District Judge, **WITHIN FOURTEEN (14) DAYS** of the date of this order.

**SO RECOMMENDED**, this 17<sup>th</sup> day of May, 2010.

S/ / Thomas Q. Langstaff  
THOMAS Q. LANGSTAFF  
UNITED STATES MAGISTRATE JUDGE

msd